

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
NORTHERN DIVISION**

In the Matter of the Petition of

**GRACE OCEAN PRIVATE LIMITED, as
Owner of the M/V Dali,**

and

**SYNERGY MARINE PTE LTD, as
Manager of the M/V DALI,**

for Exoneration from or Limitation of Liability.

Docket No. JKB 24-CV-941

IN ADMIRALTY

**UNOPPOSED MOTION FOR LEAVE TO LATE-FILE ANSWER AND CLAIM FOR
CLAIMANT/RESPONDENT, MUKESH DESAI, ON BEHALF OF R.M. METALS,
A DIVISION OF R.M. CREATIONS, INC.**

COMES NOW Claimant Mukesh Desai, on behalf of R.M. Metals, a Division of R.M. Creations, Inc. (hereinafter “Claimant”), hereby asking this Honorable Court to grant his Unopposed Motion for Leave to Late-File his Answer and Claim (“Motion”), and in support thereof avers as follows:

CONTROLLING LAW AND ANALYSIS

1. On April 1, 2024, this Honorable Court signed a Restraining Order and Order for Issuance of Notice that Claims be Filed (ECF. No. 8), ordering Grace Ocean Private Limited and Synergy Marine PTE LTD (“Petitioners”) to notice to all persons asserting claims with respect to their Petition for Exoneration from or Limitation of Liability (“Petition”), and admonishing all persons asserting claims to file their respective claims with the Clerk of this Court on or before September 24, 2024.

2. Federal Rule of Civil Procedure 6(b)(1)(B) allows this Court to excuse an untimely filing if the filing party shows that the untimeliness was due to “excusable neglect.” The decision whether to permit an untimely answer under Rule 6(b)(1)(B) is within the Court’s discretion. *Mann v. Mohr*, 802 F. App’x 871, 878 (6th Cir. 2020). When making that decision, the Court must consider five factors: “(1) the danger of prejudice to the nonmoving party, (2) the length of the delay and its potential impact on judicial proceedings, (3) the reason for the delay, (4) whether the delay was within the reasonable control of the moving party, and (5) whether the late-filing party acted in good faith.” *Id.* (internal citation omitted).

3. Here: (1) there is no prejudice to Petitioners, as this filing is two days after the deadline; (2) the delay is only 2 days, and there is no known impact on judicial proceedings; (3) the reason for delay is that undersigned counsel was not hired until September 24, 2024, the deadline to file timely; (4) the 2 day delay is not within the reasonable control of Claimant’s counsel; and (5) Claimant and undersigned counsel worked quickly and in good faith in expediting the filing of this Motion, Claimant’s Answer to the Petition for Exoneration from Limitation or of Liability (“Answer”)¹, Claimant’s Claim Pursuant to Supplemental Federal Rule F(5) in Relation to the Key Bridge Allision (“Claim”)², and Complaint’s Motion for Admission to Appear Pro Hac Vice.

4. Claimant now seeks leave of this Honorable Court, to file his Answer and Claim, two days after the September 24, 2024, deadline.

5. Claimant has conferred with counsel for Petitioners. Petitioners are unopposed to this Motion, provided Claimant agrees to abide by the agreement reached earlier between

¹ **Exhibit 1:** Answer of Claimant/Respondent Mukesh Desai, on behalf of R.M. Metals, a division of R.M. Creations, Inc., to the Petition for Exoneration from Limitation or of Liability.

² **Exhibit 2:** Claim by Mukesh Desai, on behalf of R.M. Metals, a division of R.M. Creations, Inc., Pursuant to Supplemental Federal Rule F(5) in Relation to the Key Bridge Allision.

Petitioners and various cargo interests, as reported generally by Petitioners' counsel, Mr. Justin Helig.

6. Under this cargo interests agreement, relevant parties agreed to a new filing deadline for claimants (including Claimant) asserting cargo-related claims, until and through January 24, 2025.

7. Claimant hereby agrees to abide by those same terms such that the new deadline to file is January 24, 2025.

8. As such, this Motion is unopposed, and thus should be considered timely.

PRAYER

WHEREFORE, Claimant, Mukesh Desai, on behalf of R.M. Metals, a Division of R.M. Creations, Inc., hereby requests this Honorable Court grant his Unopposed Motion for Leave to Late-File his Answer and Claim, and all other relief that this Court deems just and proper at law, in equity and in Admiralty.

Dated: September 26, 2024.

Respectfully submitted,

/s/ Robert M. Schwartzman
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Division of R.M. Creations, Inc.

CERTIFICATE OF CONFERENCE

I certify that I contacted counsel for Petitioners, to seek their agreement or non-opposition to this Motion, and Petitioners have indicated they are unopposed, under the terms described above.

/s/ Robert M. Schwartzman
Robert M. Schwartzman

CERTIFICATE OF SERVICE

In compliance with Supplemental Federal Rule F(5), I hereby certify that on the 26th day of September, 2024, I electronically filed the foregoing pleading with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to all counsel who are CM/ECF participants.

/s/ Robert M. Schwartzman
Robert M. Schwartzman